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and JOHN H. OWOC, A.K.A. JACK OWOC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MONSTER ENERGY COMPANY, a
Delaware corporation,

Plaintiff,

vs.

VITAL PHARMACEUTICALS, INC.,
d/b/a VPX Sports, a Florida corporation; and
JOHN H. OWOC a.k.a. JACK OWOC, an
individual,

Defendants.

CASE NO. 5:18-cv-01882-JGB-SHK

**DECLARATION OF DR.
LIANGXI LI IN SUPPORT OF
DEFENDANTS' OPPOSITION
TO MONSTER ENERGY
COMPANY'S MOTION FOR
PRELIMINARY INJUNCTION**

Hearing date: June 17, 2019
Hearing time: 9:00 a.m.
Judge: Hon. Jesus G. Bernal
Courtroom: 1

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1 I, Dr. Liangxi Li, hereby declare:

2 1. I am Research & Development Manager at Vital Pharmaceuticals,
3 Inc., d/b/a VPX Sports (“VPX”).

4 2. I have personal knowledge of the facts set forth below. My knowledge
5 is based upon my professional experience, senior position at VPX, and review of
6 records regularly made or collected at or near the time of the events memorialized
7 thereby and maintained in the ordinary course of VPX’s business by individuals
8 with knowledge of the information contained therein. If called and sworn as a
9 witness, I could and would testify competently to the facts stated herein.

10 3. I am submitting this declaration in support of VPX’s opposition to the
11 motion for a preliminary injunction filed in this action by Monster Energy
12 Company (“Monster”).

13 4. I began full-time employment at VPX in October 2011, as an
14 associate food scientist, and worked on many products, including chemistry work
15 to develop the Super Creatine® products that VPX sells under the BANG® brand.

16 5. My educational and professional experience related to chemistry and
17 organic chemistry dates back more than 20 years.

18 6. I received a Bachelor’s degree in chemistry from Lanzhou University
19 in 1997.

20 7. I received a Master’s degree in organic chemistry from Lanzhou
21 University in 2002.

22 8. I received a PhD in organic chemistry from Fudan University in 2009.

23 9. Starting around May 2009, I began to perform research and testing on
24 behalf of VPX related to its efforts to make beverage containing a stable
25 creatine. I was involved with and working at the direction of Jack Owoc to assist
26 in developing the creatine amino acid dipeptides that were eventually introduced
27 into VPX’s BANG® energy drink products

28 10. I was a research associate from September 2009 to January 2010 at

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IUPUI (Indiana University-Purdue University Indianapolis, in Indianapolis, IN) for post-doctorate work, which included research related to the organic synthesis of molecules.

11. After that, I was a research associate from February 2010 to September 2011 at Texas Tech University Health Sciences Center for additional post-doctorate work, which included synthesizing anti-cancer drugs for drug delivery.

12. Since that time, I have been working full-time at VPX with respect to the research and development of the BANG® energy drink and VPX's other products.

Creatine and Super Creatine®

13. It is common knowledge that creatine is typically not stable and has low solubility in water. Initially, after being engaged with VPX's research team in 2009, I spent two or three months performing research and testing related to the development of a possible aqueous stable creatine. It was not easy to create a stable creatine. After trying many approaches, I successfully obtained the aqueous stable creatine – Super Creatine®, which is creatine amino acid dipeptides.

14. I understand that others had previously attempted to create a stable creatine, and I performed a lot of research related thereto. For example, I understand that creatine sulfate was put into beverages, but, was not stable. In addition, creatine alone is a complicated compound because it easily converts to creatinine, and it is common knowledge that creatinine that is ingested from the conversion of creatine-creatinine is toxic and provides no benefits. I understand creatine monohydrate has low solubility and stability in water, so it would not be a good form of creatine for use in beverages that are not consumed immediately after mixing.

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15. I understand Monster's expert Neil Spingarn states in his declaration¹ that creatine dipeptides could be toxic or therapeutic. The Creatyl-L-Leucine dipeptide in BANG® energy drinks is safe; indeed, the toxicity studies for this compound on animals were published in "A Toxicological Assessment of Creatyl-l-Leucine,"² available at <https://www.ncbi.nlm.nih.gov/pubmed/29357766>, and it has received the designation of GRAS (Generally Regarded As Safe), which makes it compliant with the Food, Drug, and Cosmetic Act for use in food because VPX has established its safety.

16. Creatyl-L-Leucine is a form of creatine as shown in U.S. Patent 8,445,466 (the '466 Patent). There are many different forms of creatine, including for example Creatine EE HCl, N-Acetyl Creatine, creatine HCl, creatine gluconate, creatine citrate, Di creatine malate, creatine nitrate, creatyl-L-glutamine, creatine monohydrate, creatine sulfate, and creatine taurinate.

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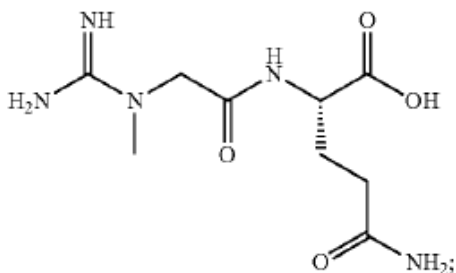
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¹ Declaration in Support of Monster's Motion for a Preliminary Injunction.

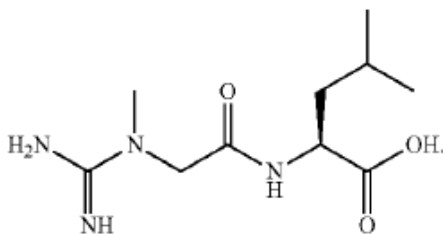
² Reddeman RA, Glávits R, Endres JR, Murbach TS, Hirka G, Vértesi A Béres E, Szakonyiné IP. A Toxicological Assessment of Creatyl-l-Leucine. Int J Toxicol. 2018 Mar/Apr;37(2):171-187. doi: 10.1177/1091581817751142.

17. The images below from the '466 Patent show the chemical formulation of Creatyl-L-Glutamine and Creatyl-L-Leucine:

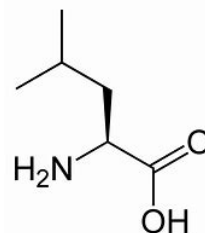
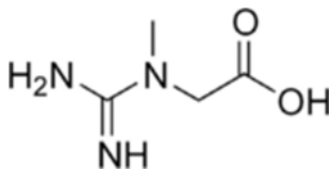
creatyl-L-glutamine



or
creatyl-L-leucine



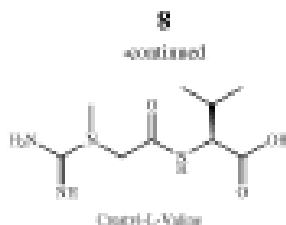
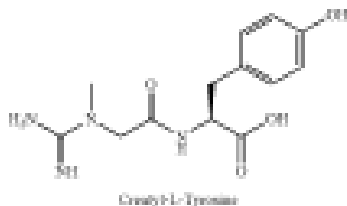
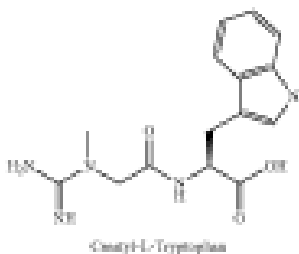
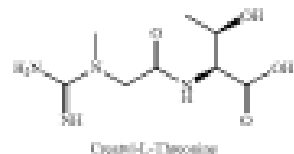
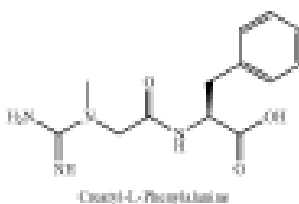
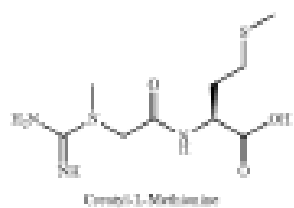
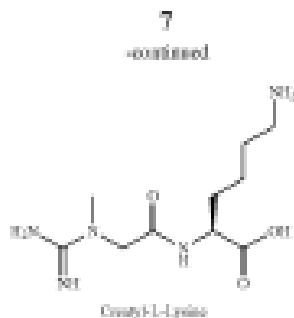
18. Below are images of creatine (left) and leucine (right) chemical formulations:



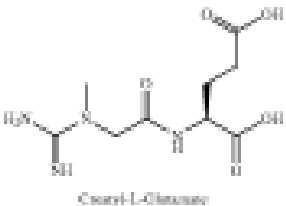
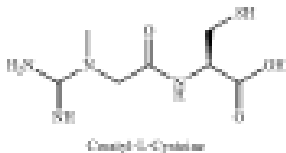
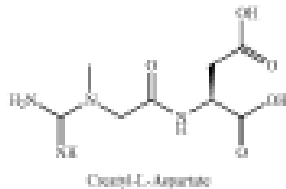
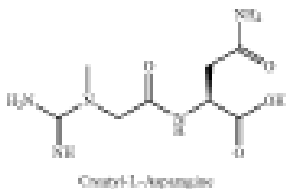
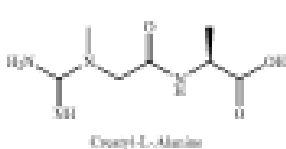
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19. There is a list of Creatyl-L-Essential Amino acid peptides in the '466 Patent on pages 4-6, some of which are copied below, which list shows the

US 8,445,466 B2



Creatyl-L-Unessential Amino Acid Peptides



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consistent creatine chemical formulation:

20. Some of these forms of creatine are listed in promotional work by VPX in 2014.³ In that February 2014 article, VPX referred to both Creatyl-L-Glutamine and Creatyl-L-Leucine as “SUPER CREATINE.” Creatine is also marketed in other forms, such as creatine monohydrate, creatine pyruvate, creatine citrate, creatine malate, creatine taurinate, creatine phosphate, creatine orotate, creatine ethyl ester, creatine pyroglutamate, creatine gluconate, and magnesium creatine chelate.⁴ See, e.g., <https://www.ncbi.nlm.nih.gov/m/pubmed/28019093/?i=1&from=“creatine%20for%20ms.”>

21. There are many different forms of creatine for sale in the market, such as, again, creatine monohydrate. I understand that Monster has stated that: “There are several forms of creatine for use in dietary supplements, including: creatine monohydrate and creatine hydrochloride.” In addition, the following image, prepared by VPX in 2014 (see footnote 3), identifies several forms of creatine.

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³ “Peptides Gone Wild,” Muscular Development, written by VPX (February 21, 2014), available at <http://musculardevelopment.com/news/bodybuilding-news/12726-peptides-gone-wild-muscular-development.html#.XNyMcEycE2w>.

⁴ “Creatine and creatine forms intended for sports nutrition.” Department of Food Safety, German Federal Institute for Risk Assessment (BfR), Berlin, Germany. Andres S, et al. Mol Nutr Food Res. 2017 Jun;61(6). doi: 0.1002/mnfr.201600772. (March 30, 2017).

Solubility Data for Various Types of Creatine in HCl

Dissolution Media (pH = 1.2)	0.1N HCl in Water
Media Amount	900ml
Dissolution Temperature	37°C
RPM	75
Sample Weight	1.000 Gram

Sample Description	Time (Minute)
Creatine EE HCl - (High Creatinine Conversion)	0.95
N-Acetyl Creatine - VPX's New Super Creatine™	2.17
Creatine HCl	3.02
Creatyl-L-Leucine – VPX Patented Water Stable Super Creatine™ Peptide	3.08
Creatine Gluconate	4.13
Creatine Citrate	5.32
Di Creatine Malate	5.35
Creatine Nitrate	5.77
Creatyl-L-Glutamine – VPX Patented Water Stable Super Creatine™ Peptide	6.33
Creatine Monohydrate	9.83
Creatine Taurinate	10.30

22. Monster states in its Motion for a Preliminary Injunction that Monster's expert Neil Spingarn did not detect any creatine after testing multiple formulations of BANG®. ECF 67, 1:15-16.

23. However, Mr. Spingarn admits in the chart in his declaration that one of the BANG® products contains creatyl-L-leucine. ECF 67-3, Exhibit 2 (see table copied below). Mr. Spingarn's chart shows that he did not even test the other two beverages for creatyl-L-leucine, an ingredient listed on the label as SUPER CREATINE®. *Id.*

24. Further, Mr. Spingarn admits in his declaration that creatyl-L-leucine is a dipeptide, a chemical bound between two amino acids. So, Dr. Spingarn is admitting that BANG®'s Creatyl-L-Leucine contains two amino acids, which are

creatine and L-leucine, meaning that BANG® contains creatine.

Composition (all values in mg/can)

Analyte	Method	Root Beer Blaze	Blue Razz	Lemon Drop
Creatine (mg/can)	HPLC	ND < 0.06	ND < 0.3	ND < 0.15
Creatinine (mg/can)	HPCL	0.41	TR < 0.4	TR < 0.1
Creatyl-L-leucine (mg/can)	HPLC	34	(NA)	(NA)
CoQ10 (mg/can)	HPLC	0.5	(NA)	(NA)
Leucine (mg/can)	HPLC	79	(NA)	(NA)
Isoleucine (mg/can)	HPLC	18	(NA)	(NA)
Valine (mg/can)	HPLC	27	(NA)	(NA)
Total BCAA (mg/can)	(calculation)	124	(NA)	(NA)

ND = not detected; TR = trace, below the detection limit stated; NA = not analyzed

25. Creatyl-L-Leucine is a creatine dipeptide, which consists of creatine protected by L-leucine to render it more stable and more bioavailable than other forms of creatine.

26. Since at least as early as August 2015, BANG® products have contained creatyl-L-Leucine.⁵

27. To my understanding, Monster does not dispute that BANG® currently contains Creatyl-L-Leucine and Monster does not object to VPX including Creatyl-L-Leucine on the current BANG® label. For example, in E. Deborah Jay's Report, she states that "although BANG does not contain creatine, it does contain Creatyl-L-Leucine." (ECF 67-5, p. 6.) Dr. Jay explains that she replaced the words "SUPER CREATINE (Creatyl-L-Leucine [Creatine bonded with L-Leucine])" with "Creatyl-L-Leucine" on the ingredients list on the BANG® can. In contrast, Dr. Jay says she removed what she assumed was misleading from the product packaging, and "replaced with what I understand to be a correct statement." *Id.* Similarly, she stated, "I understand that BANG does not contain creatine (but does contain Creatyl-L-Leucine)." Dr. Jay also kept the following statement on the control can: "Stable Aqueous Amide-Protected Bioactive Creatine

⁵ The exception is BANG®'s coffee drink, which has different ingredients. BANG® coffee does not contain CLL, BCAA, CoQ10, or vitamin C, B6, B12, or E. VPX does not currently offer a caffeine free coffee variation.

Species – U.S. Patent No. 8,445,466” (See Control Photo 3).

28. Attached hereto is a true and correct copy of Exhibit L1 which is the label for the BANG® Lemon Drop variation which VPX began using in or around August 2015.

29. Before that, since around November 2012, BANG® products contained Creatyl-L-Glutamine – another compound covered by the patent for Super Creatine.

30. Attached hereto is a true and correct copy of Exhibit L2 which is an older version of the BANG® Lemon Drop label which was used from approximately 2012 to 2015.

31. As the older version of the Lemon Drop label shows, the BANG® product contained Creatyl-L-Glutamine at that time.

32. The BANG product label included the text “Stable Aqueous Amide-Protected Bioactive Creatine Species – U.S. Patent No. 8,445,466” next to the

Stable Aqueous Amide-Protected Bioactive Creatine Species Patent No. 8,445,466.

Nutrition Facts, as shown below:

33. The ingredients listed Creatyl-L-Glutamine as “mTORC1™ Molecule (Creatyl-L-Glutamine [Patented Amide Protected Creatine/Glutamine Peptide])” as

Ingredients: Carbonated water, citric acid anhydrous, natural and artificial flavors, caffeine anhydrous, sodium benzoate (preserves freshness), potassium citrate monohydrate, Sucralean® brand sucralose, L-leucine, potassium phosphate dibasic, vitamin C (ascorbic acid), calcium chloride, acesulfame potassium, potassium sorbate (preserves freshness), calcium disodium EDTA, magnesium chloride, L-isoleucine, L-valine, mTORC1™ Molecule (Creatyl-L-Glutamine [Patented Amide Protected Creatine/Glutamine Peptide]), vitamin B3 (niacinamide), CoQ10 (coenzyme Q10), vitamin B5 (pyridoxine hydrochloride), and vitamin B12 (methylcobalamin).

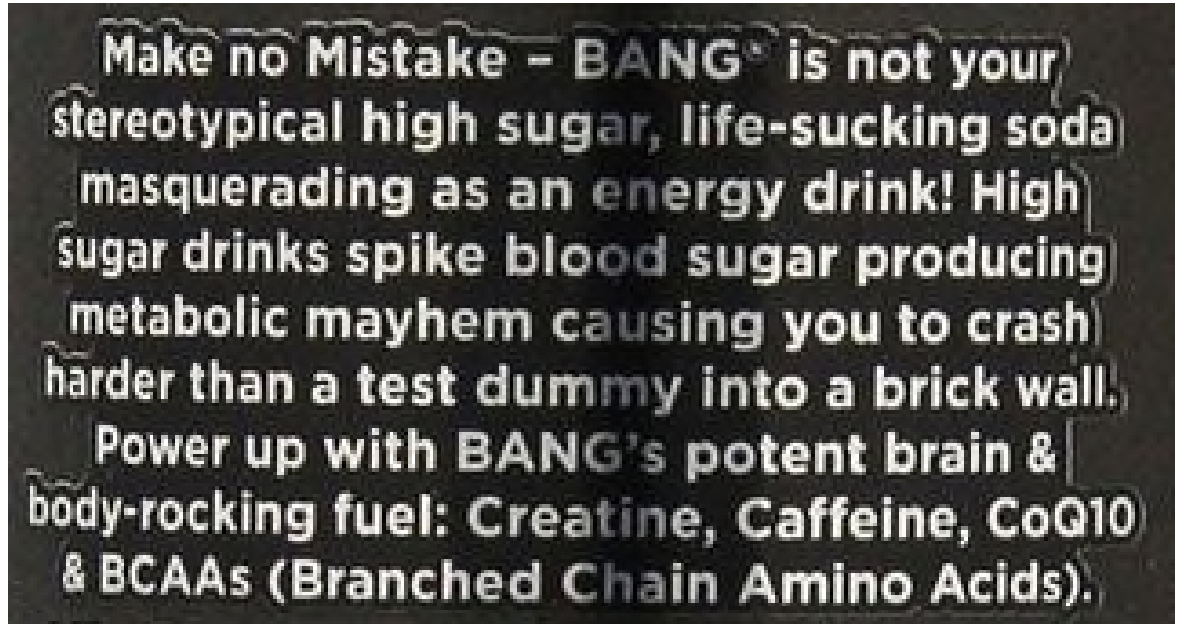
shown below:

34. The top of the older can included the text “PATENTED CREATINE-GLUTAMINE PEPTIDE”:



35. As discussed above, like Creatyl-L-Leucine, Creatyl-L-Glutamine is a creatine dipeptide which consists of creatine protected by L-Glutamine to render it more stable and more bioavailable than other forms of creatine.

36. The older label also included the word “Creatine” on the side, specifically the phrase: “Power up with BANG’s potent brain & body-rocking fuel: Creatine, Caffeine, CoQ10 & BCAAs (Branches Chain Amino Acids).”



37. With respect to the current BANG packaging, Monster’s expert Dr. Jay took the position that the foregoing language – which was used since around 2012 – would need to be changed, stating in her report: “the statement ‘Power up with BANG's potent brain & body-rocking fuel: Creatine, Caffeine, CoQ10 & BCAAs (Branched Chain Amino Acids)’ on the side of the control can was replaced with what I understand to be a correct statement. The corrected statement was worded in the following manner: ‘Power up with BANG's potent brain & body-rocking fuel: Caffeine. Also contains Creatyl-L-Leucine, CoQ10 & BCAAs (Branched Chain Amino Acids).’”

38. In addition to Creatyl-L-Glutamine and Creatyl-L-Leucine, the BANG® products have other ingredients that also provide benefits consumers are seeking in an energy drink, including caffeine, BCAAs (branched chain amino acids), CoQ10 (Coenzyme Q10), and vitamins (such as vitamin C, vitamin B6,

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1 vitamin B12). Some BANG® products come in caffeine-free variations as well.
2 All these active ingredients work synergistically to contribute to the energy boost
3 for BANG® products.

4 39. VPX has sponsored numerous studies conducted on its products.
5 Below is a list of all such University studies, which includes not only BANG®, but
6 also other VPX products, such as REDLINE, PROTEIN RUSH, MELTDOWN,
7 BANG MASTER BLASTER, SHOTGUN, SYNTHESIZE, etc.

8 40. Recently, VPX sponsored a double-blind, placebo-controlled,
9 crossover trial study of BANG®, performed by Nova Southeastern University,
10 entitled “The Effects of BANG® Energy on Psychomotor Vigilance,” by
11 Christopher Horn, Madaline Kenyon, Cassandra Carson, Anya Ellerbrock, Lia
12 Jiannine, Tobin Silver, Corey Peacock, Jaime Tartar, and Jose Antonio. In
13 conclusion, the BANG® energy drink resulted in a significantly lower (i.e., faster)
14 ($p < 0.05$) psychomotor vigilance mean reaction time versus the placebo as well as
15 fewer lapses. Attached hereto as Exhibit L3 is a true and correct copy of the poster
16 presentation for this latest study of BANG®, which is anticipated to be presented
17 next month in June 2019 at the International Society of Sports Nutrition (ISSN)
18 convention.

19 41. These studies are performed by some of the premiere experts in the
20 country such as Dr. Willoughby and Dr. Antonio. For example, Dr. Darryn S.
21 Willoughby, PhD (Director, Exercise and Biochemical Nutrition Laboratory) is
22 one of the premier muscle biologists at Baylor University, and Dr. Jose Antonio,
23 PhD, FACSM, FNSCA, FISSN, is a professor at Nova Southeastern and founder of
24 the ISSN and considered one of the premier experts on caffeine, protein, and
25 creatine metabolism.

26 **VPX SPONSORED UNIVERSITY STUDIES**

27 (a) Jitomir J, Nassar E, Culbertson J, et al. VPX Meltdown®
28 significantly increases energy expenditure and fat oxidation without affecting

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1 hemodynamic variables in a randomized, double-blind, cross-over clinical research
2 trial. Journal of the International Society of Sports Nutrition. 2008;5(Suppl 1):P28.
3 doi:10.1186/1550-2783-5-S1-P28.

4 (b) Spillane M, Schwarz N, Leddy S, Correa T, Minter M,
5 Longoria V, Willoughby D. Effects of 28 days of resistance exercise while
6 consuming commercially-available pre- and post-workout supplements, NO-
7 Shotgun and NO-Synthesize, on body composition, muscle strength and mass,
8 markers of protein synthesis, and clinical safety markers in males. Nutr Metab
9 (London). 8:78, 2011.

10 (c) Shelmadine B, Cooke M, Buford T, Hudson G, Redd L,
11 Leutholtz B, Willoughby DS: Effects of 28 days of resistance exercise and
12 consuming a commercially available pre-workout supplement, NO-Shotgun(R), on
13 body composition, muscle strength and mass, markers of satellite cell activation,
14 and clinical safety markers in males. J Int Soc Sports Nutr 2009, 6:16.

15 (d) Ormsbee MJ, Mandler WK, Thomas DD, et al. The effects of
16 six weeks of supplementation with multi-ingredient performance supplements and
17 resistance training on anabolic hormones, body composition, strength, and power
18 in resistance-trained men. Journal of the International Society of Sports Nutrition.
19 2012;9:49.

20 (e) Dawes J, Ocker LB, Temple DR, Spaniol F, Murray AM,
21 Bonnette R. Effect of a pre-exercise energy drink (Redline®) on upper-body
22 muscular endurance performance. Journal of the International Society of Sports
23 Nutrition. 2011;8(Suppl 1):P18. doi:10.1186/1550-2783-8-S1-P18.

24 (f) Jay R Hoffman, Jie Kang, Nicholas A Ratamess, Mattan W
25 Hoffman, Christopher P Tranchina and Avery D Faigenbaum. Examination of a
26 pre-exercise, high energy supplement on exercise performance. Journal of the
27 International Society of Sports Nutrition. 2009;6:2.

28 (g) Jay R. Hoffman, Jie Kang, Nicholas A. Ratamess, Stefanie L.

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1 Rashti and Avery D. Faigenbaum. Thermogenic Effect of A High Energy, Pre-
2 Exercise Supplement. Kinesiology 40(2008) 2:200-206.

3 (h) Brian Klepacki, B Sue Graves and Peter Hellberg. The effect of
4 ingesting a caffeine-enhanced sport drink on resting energy expenditures and blood
5 pressure in females. Journal of the International Society of Sports
6 Nutrition 2009 6(Suppl 1):P6.

7 (i) Richard Bloomer, Brian Schilling, Robert Canale, Megan
8 Blankenship, Kelley Hammond and Kelsey Fisher-Wellman. Acute effects of VPX
9 Meltdown® on plasma catecholamines, free fatty acids, glycerol, metabolic rate,
10 and hemodynamics in young men and women. Journal of the International Society
11 of Sports Nutrition 2009 6(Suppl 1):P4.

12 (j) Shannan Lynch. The differential effects of a complex protein
13 drink versus isocaloric carbohydrate drink on performance indices following high-
14 intensity resistance training: a two arm crossover design. Journal of the
15 International Society of Sports Nutrition 2013 10:31.

16 (k) Bianca Rubin, Joseph Hashim, Sandra Sharp and Jose Antonio.
17 Thermic effect of soy versus whey protein – a pilot trial. Journal of the
18 International Society of Sports Nutrition 2012 9(Suppl 1):P26.

19 (l) David Temple, Jay Dawes, Liette Ocker, Frank Spaniol, Donald
20 Melrose and Allison Murray. Effect of a pre-exercise energy drink (Redline®) on
21 muscular endurance of the trunk. Journal of the International Society of Sports
22 Nutrition 2011 8(Suppl 1):P13.

23 (m) Jay Dawes, Liette B Ocker, David R Temple, Frank Spaniol,
24 Alison M Murray and Randy Bonnette. Effect of a pre-exercise energy drink
25 (Redline®) on upper-body muscular endurance performance. Journal of the
26 International Society of Sports Nutrition 2011 8(Suppl 1):P18.

27 (n) Victoria Ciccone, Kristina Cabrera and Jose Antonio. The
28 effects of pre versus post workout supplementation of creatine monohydrate on

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body composition and strength. The effects of pre versus post workout supplementation of creatine monohydrate on body composition and strength. Journal of the International Society of Sports Nutrition 2013 10(Suppl 1):P1.

(o) Jill Fernandes and Christopher B Scott. Thermic effect of feeding: orange juice vs. a protein drink (240 kcal). Journal of the International Society of Sports Nutrition 2010 7(Suppl 1):P7.

(p) Jay Hoffman, Jie Kang, Nicholas Ratamess, Stefanie Rashti, Christopher Tranchina, Neil Kelly and Avery Faigenbaum. Thermogenic effect of an acute ingestion of a weight loss supplement. Journal of the International Society of Sports Nutrition 2008 5(Suppl 1):P7.

(q) Micheil B Spillane, Neil A Schwarz and Darryn S Willoughby. Effects of 8 weeks of Stealth® supplementation on body composition, muscle strength and mass, markers of satellite cell activation, and clinical safety markers in males. Journal of the International Society of Sports Nutrition 2015 12(Suppl 1):P9.

(r) Brian Klepacki, B Sue Graves and Peter Hellberg. The effect of ingesting a caffeine-enhanced sport drink on resting energy expenditures and blood pressure in females. Journal of the International Society of Sports Nutrition 2009 6(Suppl 1):P6.

(s) Jose Antonio and Victoria Ciccone. The effects of pre versus post workout supplementation of creatine monohydrate on body composition and strength. Journal of the International Society of Sports Nutrition 2013 10:36.

(t) Neil A. Schwarz, Sarah K. McKinley-Barnard, and Albert W. Pearsall. A randomized crossover, double-blinded, placebo-controlled study of the effects of acute oral ingestion of Bang® Pre-Workout Master Blaster™ on exercise performance and clinical safety markers. Proceedings of the Fourteenth International Society of Sports Nutrition (ISSN) Conference and Expo Phoenix, AZ, USA. 22-24 June 2017.

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1 Leucine. Int J Toxicol. 2018 Mar/Apr;37(2):171-187. doi:
2 10.1177/1091581817751142.

3 (aa) Neil A. Schwarz, Sarah K. McKinley-Barnard, and Zachary J
4 Blahnik. A randomized, double-blind, placebo-controlled trial of four weeks of
5 resistance training combined with Bang® Master Blaster™ supplementation on
6 lean body mass, maximal strength, mircoRNA expression, and serum hormones. A
7 randomized crossover, double-blinded, placebo-controlled study of the effects of
8 acute oral ingestion of Bang® Pre-Workout Master Blaster™ on exercise
9 performance and clinical safety markers. Proceedings of the Fourteenth
10 International Society of Sports Nutrition (ISSN) Conference and Expo Clearwater,
11 FL USA. 6-8 June 2018.

12 **MONSTER ENERGY DRINK STUDIES:**

13 42. I understand that most Monster Energy Drinks are high sugar energy
14 drinks. Further, I understand that there are numerous studies reporting that energy
15 drinks with sugar will cause a “crash,” including a recent article “Sugar rush or
16 sugar crash? A meta-analysis of carbohydrate effects on mood,” Neuroscience &
17 Biobehavioral Reviews, Volume 101, Pages 45-67, Konstantinos, et al. (June
18 2019), <https://www.sciencedirect.com/science/article/pii/S0149763418309175>.

19 43. I have been informed of studies where Monster Energy drinks were
20 the subject of testing, including failed performance studies and adverse effects:

- 21 a) “Cardiovascular and ride time-to-exhaustion effects of an energy
22 drink.” Journal of the International Society of Sports Nutrition,
23 Michael T Nelson, George R Biltz and Donald R Dengel (2014),
24 <https://jissn.biomedcentral.com/track/pdf/10.1186/1550-2783-11-2>.
25 b) “The effect of three different energy drinks on oxygen consumption
26 and perceived exertion during treadmill exercise.” Journal of the
27 International Society of Sports Nutrition. Gabriel J Sanders, Willard
28 Peveler, Brady Holmer and Corey A Peacock (September 21, 2015),

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<https://jissn.biomedcentral.com/articles/10.1186/1550-2783-12-S1-P1>.

c) "Evaluation of Monster Energy® Drink Consumption on ECG and Hemodynamic Parameters in Young Healthy Volunteers" U.S. National Library of Medicine (December 30, 2013; Last Update Posted: August 11, 2016).

<https://clinicaltrials.gov/ct2/show/NCT02023723>.

d) "Randomized Controlled Trial of High-Volume Energy Drink Versus Caffeine Consumption on ECG and Hemodynamic Parameters." J Am Heart Assoc., Fletcher E et. al. (April 26, 2017).

<https://www.ahajournals.org/doi/pdf/10.1161/JAHA.116.004448>.

e) "Consumption of energy beverage is associated with attenuation of arterial endothelial flow-mediated dilatation" World Journal of Cardiology, World J Cardiol. 162–166, John P Higgins, Benjamin Yang, Nikki E Herrin, Santi Yarlagaadda, George T Le, Brandon L Ortiz, Asif Ali, and Stephen C Infanger (February 26, 2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5329743/>.

44. All of VPX's BANG® energy drinks are without added sugar, including VPX's coffee drinks, because VPX believes that sugar is not healthy for people and, thus, does not use sugar in its products.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 24th day of May 2019, in Weston, Florida.



Dr. Liangxi Li